

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

FILED  
IN CLERK'S OFFICE  
US DISTRICT COURT E.D.N.Y.

★ SEP 26 2017 ★

BROOKLYN OFFICE

-----X  
HEALTH & WELFARE FUND OF THE UNITED  
FOOD & COMMERCIAL WORKERS LOCAL 2013  
AFL-CIO, BY ITS TRUSTEES, LOUIS MARK  
CAROTENUTO and STANLEY FLEISHMAN,

Plaintiff,

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**  
16-CV-04690 (AMD) (SMG)

-against-

PRECISION ABSTRACT, LLC,

Defendant.  
-----X

**Ann M. Donnelly, United States District Judge:**

On August 23, 2016, the plaintiff, Health & Welfare Fund of the United Food & Commercial Workers Local 2013 commenced this action against the defendant, Precision Abstract, LLC ("Precision"), alleging violations of the Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001 *et seq.*, and the Labor Management Relations Act, 29 U.S.C. §§ 185 *et seq.* (ECF No. 1.) On October 14, 2016, the Clerk entered the defendant's default. (ECF No. 9.) Thereafter, on October 17, 2016, the plaintiff moved for default judgment. (ECF No. 10.) On October 18, 2016, I referred this matter to United States Magistrate Judge Steven M. Gold for a report and recommendation as to whether to grant the plaintiff's default judgment and award damages.

On May 19, 2017, Judge Gold issued a report recommending that I enter default judgment against the defendant, as well as award the following damages<sup>1</sup> from Precision: (a)

<sup>1</sup> Judge Gold determined that calculating damages in this matter would be straightforward, and therefore found it unnecessary to conduct a damages hearing. (ECF No. 20 at 7.)

\$3,288.00 (unpaid contributions); (b) prejudgment interest<sup>2</sup>; (c) \$657.60 (liquidated damages); and (d) \$2,188.00 (attorneys' fees and costs). (ECF No. 20 at 6-11.)

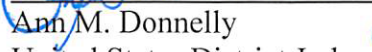
In reviewing an R&R, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Where, as here, no party has objected to the magistrate judge's recommendation, "a district court need only satisfy itself that there is no clear error on the face of the record." *Urena v. New York*, 160 F.Supp.2d 606, 609-10 (S.D.N.Y. 2001) (quoting *Nelson v. Smith*, 618 F.Supp. 1186, 1189 (S.D.N.Y. 1985)).

I have reviewed Judge Gold's thorough and well-reasoned report and recommendation, and find there are no errors. Thus, I adopt the report and recommendation in its entirety.

Accordingly, a default judgment is entered against the defendant. The Clerk of the Court is respectfully directed to enter judgment against the defendant for the amount of \$6,133.60 in addition to prejudgment interest.

**SO ORDERED.**

s/Ann M. Donnelly

  
Ann M. Donnelly  
United States District Judge

Dated: Brooklyn, New York  
September 26, 2017

---

<sup>2</sup> Prejudgment interest is calculated at the rate of 1.5% per annum on \$1,096.00 from August 31, 2015, \$1,096.00 from September 30, 2015, and \$1,096.00 from November 30, 2015 through the date final judgment is entered.